

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 861 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

BHARATSINH DHIRUBHA GOHIL

Versus

STATE OF GUJARAT

Appearance:

MR RAKESH DAVE for MR DP KINARIWALA for Petitioner
MR SP HASURKAR for Respondent No.2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/08/1999

ORAL JUDGEMENT

1. The matter is called out in the first round in the first sitting and in the second round in the second sitting, but none present for the petitioner. When the matter is called out in the third round in the second sitting Mr.Rakesh Dave put appearance for Mr.D.P.Kinariwala. He prays for time for adjournment of this matter. I do not find any justification in the

prayer made for adjournment of this matter. Otherwise also this matter is of 1995 and I do not find any justification to defer the hearing of the same.

2. Perused the Special Civil Application, reply to the Special Civil Application filed by the respondent and heard learned counsel for the respondent. I do not find any justification in the claim of the petitioner for grant of exemption to him from the papers which he cleared in the earlier qualifying examination prescribed for promotion to the post of Police Sub-Inspector in which he secured more than 60% marks.

3. From the rules relevant I find that there is no such provisions exist therein. It is a matter of promotion infact by selection and each candidate has to appear in the qualifying examination and no such exemption can be granted in the papers in which secured 60% marks to those candidates who earlier appeared in the qualifying examination and failed.

4. In the result, Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

(S.K.Keshote,J.)

(pathan)